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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|-------------------------------|------------------|
| 10/539,472 | 09/15/2005 | Juergen H. Rabe | 273513US0PCT | 3315 |
| 22850 7590 01/10/2007 OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314 | | | EXAMINER PETRUNCIO, JOHN M | |
| | | | ART UNIT. | PAPER NUMBER |
| | | | 1751 | |
| SHORTENED STATUTORY PERIOD OF RESPONSE | | MAIL DATE | DELIVERY MODE | |
| 3 MONTHS | | 01/10/2007 | PAPER | |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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|------------------------------|--------------------------------------|------------------------------------|--|
| Office Action Summary | Application No. 10/539,472 | Applicant(s) RABE ET AL. | |
| | Examiner John M. Petruncio | Art Unit 1751 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 12-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>6/22/05</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 12-19 and 21-22 are rejected under 35 U.S.C. 102(b) as being anticipated by British Patent GB 1 494 543 to Kao Soap Company Limited.

This reference relates to effervescent, construed as fizzy, sodium percarbonate bleaching agent compositions which foams vigorously and dissolves rapidly in water (p. 1, line 9 et seq) by virtue of heating sodium percarbonate at a temperature of 75 to 135 degrees C for a period of time determined by the temperature (p. 1, line 72 et seq). Preferably, the maximum and minimum heating times at 75 degrees C are 6 hours and 2 hours respectively, and at 135 degrees C are 30 minutes and 5 minutes respectively (p. 2, line 4 et seq). Activating agents can be combined (p. 2, line 93 et seq) and the bleaching composition can be mixed with additives such as water-soluble inorganic salts such as sodium sulfate, sodium carbonate and sodium silicate (p.2, line 108 et seq), construed as resulting in coated sodium percarbonate particles, the coating being the inorganic salt such as sodium sulfate (see also Example 2) , which can then be subjected to the heat treatment at 75 to 135 degrees C (p. 2, line 119 et seq).

This reference further discloses that the composition can be transformed to a bleaching detergent composition by addition of surfactants (p.2, line 112 et seq).

The heating temperatures and heating times disclosed in Table 1, p. 3 of this reference appear substantially the same as that presented at p. 7 of the instant specification, and accordingly are construed as inherently satisfying the content of

available oxygen, effervescent/fizzy gas/oxygen evolution and end temperature/time equation criteria called for by the instant claims. Thus the disclosure of this reference is deemed to anticipate claims 12-19 and 21-22.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over GB 1 494 543 as applied to claims 12-19 and 21-22 above, and further in view of US 2002/0127168 to Jakob et al.

The GB 1 494 543 primary reference does not appear to specifically refer to a fluid bed reactor for facilitating the heat treatment. However at the time of the invention, one skilled in the art would have found it obvious to carry out the heat treatment in a fluid bed reactor as the Jakob et al '168 reference teaches use of a fluidized bed unit [0024] to accomplish the same or similar heat treatment [0046] of coated [0025-0028] sodium percarbonate, with the expectation of a high degree of success as both references relate to the same field of endeavor.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note in particular that US Pat. 4,193,977 to Nakagawa et al., US Pat. 3,953,350 to Fujino et al. and EP 0 884 276 to Chiharu et al contain disclosure relating to the thermal treatment of an uncoated or coated sodium percarbonate at the elevated temperatures called for by the instant claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Petruncio whose telephone number is 571-272-1323. The examiner can normally be reached on 10:30Am-7:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on 571-272-1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

John M. Petruncio
October 26, 2006


DOUGLAS MCGINTY
SUPERVISORY PATENT EXAMINER

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